

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/851,463	05/05/97	RUBINSON	E INT21246

JOHN RUSSELL UREN  
STE 202  
1590 BELLEVUE AVE  
WEST VANCOUVER ON V7V 1A7  
CANADA

QM61/1223

EXAMINER  
JONES,L

AIR MAIL

ART UNIT	PAPER NUMBER
3743	

DATE MAILED: 12/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 08/851,465	Applicant(s) <b>EDGER C. ROBINSON et al</b>
	Examiner <b>LARRY JONES</b>	Group Art Unit <b>3743</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-8 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## OFFICE ACTION ON THE MERITS: FIRST

Claims 1-8 are presented for examination.

### GENERAL

Receipt of the INFORMATION DISCLOSURE STATEMENT, paper number two is acknowledged. An initialed copy of form PTO-1449 is enclosed.

The status of the parent applications listed at page one of the specification must be updated.

### DRAWINGS

The drawings submitted with this application were declared informal by applicant. Accordingly they have not been reviewed by a draftsperson at this time. When formal drawings are submitted, the draftsperson will perform a review.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

### REJECTIONS UNDER 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daneshvar et al in view of Velie ('188).

Daneshvar shows a infrared burner assembly 70 which is used to heat a deep fryer. The

system includes a compressor and fuel control valves.

Velie ('188) shows a burner fuel flow control system which includes a compressor 100, fuel tanks 80 and 104, regulators 81, 108,110,112 and valves 83 connected to nozzle 106 for the purpose of fuel and compressed air flow control. Note at column 5, lines 14-39 the use of the compressor with vacuum side connected to the fuel tank.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the structure of Daneshvar to incorporate the use of the fuel flow control system and compressor structure taught by Velie ('188) for control of the fuel and air flow. The specific type of regulator used is considered a matter of choice in design.

#### **REMARKS**

The prior art made of record but not applied in a rejection is considered pertinent to applicant's disclosure.

#### **GUIDE TO COMMUNICATING WITH THE PTO REGARDING THIS APPLICATION**

Inquiries regarding this or earlier communications from the Examiner should be directed to me, **Larry Jones** at telephone number **(703) 308-1933**. My normal working hours are **9:30 a.m. to 6:00 p.m. (ET), Monday through Friday**.

An inquiry of a general nature or relating to the status of this application should be directed to the **Group Receptionist** whose telephone number is **(703) 308-0861**. The Receptionist is available **8:30 a.m. to 5:00 p.m. (ET), daily**.

Fax transmissions may be made to the **Art Unit 3743** fax number **(703) 308-7765**. Any transmitted document should clearly identify the application (**by serial number**) and the Examiner (**Larry Jones**) to whom the document is directed. **The fax reception facility is available 24 hours a day**.

December 18, 1998



LARRY JONES  
PRIMARY EXAMINER  
ART UNIT 3743